

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LAWRENCE J. MADISON,

Petitioner,

20cv1655

ELECTRONICALLY FILED

v.

SUPERINTENDENT MICHAEL CLARK,
PENNSYLVANIA BOARD OF
PROBATION AND PAROLE,

Respondents.

MEMORANDUM ORDER

This action was instituted on October 30, 2020, with the receipt of Petitioner Lawrence J. Madison's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (the "Petition"), in which Petitioner challenges the decision of the Pennsylvania Board of Probation and Parole to recommit him as a convicted parole violator in 2012. ([Doc. 1 at 1](#)).

Petitioner was, at the time of the filing, a state prisoner incarcerated at the State Correctional Institution at Albion ("SCI-Albion") located in Albion, Pennsylvania.

On August 25, 2023, United States Magistrate Judge Maureen Kelly issued a detailed, thorough Report and Recommendation, recommending that the Petition be dismissed, and a certificate of appealability be denied. ([Doc. 19](#)). Petitioner has not filed any objections to the Report and Recommendation.¹

¹ The docket in this case notes that the Report and Recommendation was mailed to Petitioner's address of record on August 25, 2023, but was returned as undeliverable and "unable to forward." ([Doc. 19](#), Staff Note dated September 6, 2023). Petitioner previously was notified of his obligation to keep the Court apprised of any changes in address. ([Doc. 4](#)).

After *de novo* review of the pleadings and documents in the case, together with the Petition ([Doc. 1](#)), and Magistrate Judge Kelly's Report and Recommendation ([Doc. 19](#)), this Court is satisfied that the Report and Recommendation contains no clear error. Therefore, the following order is entered:

AND NOW, this 18th day of September, 2023,

IT IS HEREBY ORDERED that this case is DISMISSED. The Clerk of Court shall mark this case CLOSED.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED, as jurists of reason would not debate whether Petitioner was entitled to relief. *See Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

IT IS FURTHER ORDERED the Report and Recommendation ([Doc. 19](#)), as it is supplemented by this Order, is adopted as the Opinion of this Court.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order he must file a notice of appeal within 30 days, as provided in Rule 3 of the Federal Rules of Appellate Procedure, with the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Petitioner is referred to Rule 22 of the Federal Rules of Appellate Procedure and to 3d Cir. L.A.R. 22.1 for the timing requirements for applying for a certificate of appealability from the Court of Appeals (available at https://www2.ca3.uscourts.gov/legacyfiles/2011_LAR_Final.pdf).

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

All Registered ECF Counsel

Lawrence J. Madison
QD0243
SCI Albion
10745 Route 18
Albion, PA 16475-0001